

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

OTHA GRAY,

Plaintiff,

v.

ALLISON, *et al.*,

Defendants.

No. 1:23-cv-01285-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION, WITH PREJUDICE, FOR FAILURE  
TO STATE A CLAIM, FAILURE TO OBEY  
COURT ORDER, AND FAILURE TO  
PROSECUTE

(Doc. 16)

Otha Gray is a former state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 15, 2025, the assigned magistrate judge issued a screening order granting Plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within 30 days. (Doc. 14.) The Court warned Plaintiff that failure to comply with the order would result in a recommendation for dismissal of this action with prejudice. (*Id.*) Plaintiff did not file an amended complaint or otherwise communicate with the Court.

On December 1, 2025, the magistrate Judge issued findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute. (Doc. 16.) The Court served the findings and recommendations on Plaintiff notified him that any objections were due

1 in 14 days. (*Id.* at 10.) The Court also warned Plaintiff that “failure to file objections within the  
2 specified time may result in the waiver of the right to challenge the magistrate’s factual findings  
3 on appeal.” (*Id.* at 10 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014).)  
4 Plaintiff has not filed objections or otherwise communicated with the Court, and the deadline to  
5 do so has expired.

6 According to 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the  
7 case. Having carefully reviewed the entire file, the Court concludes the findings and  
8 recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 9 1. The findings and recommendations issued on December 1, 2025, (Doc. 16), are  
10 **ADOPTED IN FULL.**
- 11 2. This action is **DISMISSED**, with prejudice, due to Plaintiff’s failure to state a claim,  
12 failure to obey a court order, and failure to prosecute.
- 13 3. The Clerk of the Court is directed to close this case.

14  
15 IT IS SO ORDERED.

16 Dated: **December 31, 2025**

  
UNITED STATES DISTRICT JUDGE